

Application No. 10/673351
Amendment dated February 23, 2006
Reply to Office Action of December 19, 2005

Docket No.: 84517US1

REMARKS

Claims 11-18 are pending in the present application. Claims 1-9 were rejected under 35 U.S.C. § 112, second paragraph, as described on page 3 of the Office action. Claims 1-7 were rejected under 35 U.S.C. § 102(b), as described on page 4 of the Office action. Claims 8 and 9 were rejected under 35 U.S.C. § 103, as described on pages 5 and 6 of the Office action. Claims 11, 13 and 17 are the only independent claims.

It is respectfully submitted that the outstanding rejections are moot, as claims 1-10 have been cancelled.

Newly added claims 11-18 are patentable over the prior art of record for the reasons provided below.

The present invention is drawn to optical pressure, or more specifically, to affecting particles in a fluid via optical pressure.

An aspect of the present invention is drawn to a flowcell having a fluid pathway, for example as illustrated in Figure 2. A fluid flows down the fluid pathway in a first direction whereas a light beam travels up the fluid pathway in a second direction opposite the first direction. The light beam creates optical pressure on certain particles within the fluid in the pathway.

Each of independent claims 11 and 17 recites, *inter alia*, “a PDMS body having a fluid pathway arranged to permit flow of a fluid in a first direction therethrough.”

Independent claim 13 recites:

“a body comprising a first material and having a fluid pathway arranged to permit flow of a fluid in a first direction therethrough; and

a light input part on said body and comprising a second material, said light input part being arranged to accept input light and permit the input light to travel into said body and through said fluid pathway in a second direction opposite of the first direction,

wherein said first material is different from said second material.”

The prior art of record fails to disclose at least the above-identified limitations.

Nishimura discloses, in FIG. 2, a flow cell 12. Nishimura fails to disclose that the flow cell 12 comprises PDMS, as recited in each of independent claims 11 and 17. Further, Nishimura fails

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to disclose a light input part on flow cell 12 or that a light input part on flow cell 12 comprises a material that is different than that of flow cell 12, as recited in independent claim 13. Accordingly, independent claims 11, 13 and 17 are novel over Nishimura within the meaning of 35 U.S.C. § 102(b).

Furthermore, because claims 12, 14-16 and 18 are dependent upon claims 11, 13 and 17, respectively, and therefore include all the limitations thereof, claims 12, 14-16 and 18 are additionally novel over Nishimura within the meaning of 35 U.S.C. § 102(b).

Still further, because of the differences between that which is recited in independent claims 11, 13 and 17 and that which is disclosed in Nishimura, it would not have been obvious to one of skill in the art at the time of the invention to modify that which is disclosed in Nishimura to arrive at that which is recited in independent claims 11, 13 and 17. As such, independent claims 11, 13 and 17 are patentable over Nishimura within the meaning of 35 U.S.C. § 103.

Finally, because claims 12, 14-16 and 18 are dependent upon claims 11, 13 and 17, respectively, and therefore include all the limitations thereof, claims 12, 14-16 and 18 are additionally patentable over Nishimura within the meaning of 35 U.S.C. § 103.

In light of the above discussion, it is respectfully submitted that claims 11-18 are patentable over the prior art of record, an indication of which is respectfully solicited.

If there are any outstanding issues that can be resolved by telephone interview, the examiner is asked to call the applicants' attorney Thomas D. Robbins at 202-404-1553.

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Respectfully submitted,

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